

REMARKS

Claims 1-21 remain in this application. Claims 3, 4, 6, 11-13 and 16-21 have been withdrawn from consideration.

Objections to Specification

The examiner has objected to the disclosure in the specification because the related application section has not been updated. By the amendments herein, applicant has addressed this objection. Accordingly, this objection to the specification should be withdrawn.

The examiner has also objected to the specification because he finds the disposition of the first location 760 to be confusing. By the amendments herein, applicant has duly amended the specification to address this objection. No new matter has been added by this amendment, full support being found in the originally-filed drawings, for example, in Figure 27.

Objection to the Drawings

The examiner has objected to Figures 10 and 11A-C. It is the examiner's position that these figures should be labeled as "Prior Art." Currently filed herewith is a substitute set of drawings duly labeling Figures 10 and 11A-C as "Prior Art." Accordingly, applicant requests that the objection to the drawings be withdrawn.

Rejections Under 35 U.S.C. §112, Second Paragraph

The examiner has rejected claims 14 and 15 under 35 U.S.C. §112, Second Paragraph as being indefinite relative to the disposition of the first location. By the amendments herein, applicant has addressed this objection. Accordingly, applicant requests that the rejection of claims 14 and 15 under 35 U.S.C. §112, Second Paragraph, be withdrawn.

Rejection for Obviousness-Type Double Patenting

The examiner has rejected claims 1, 2, 5 and 7 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 24 and 28 in U.S. Patent No. 6,152,959. Transmitted herewith is a fully executed Terminal Disclaimer duly terminating the term of any patent issued from the present application to the term of U.S. Patent No. 6,152,959. Accordingly, the rejections of claims 1, 2, 5 and 7 under the judicially created doctrine of obviousness-type double patenting should be withdrawn.

Rejections Under 35 U.S.C. §102

The examiner has rejected claims 1, 2, 5 and 7 under 35 U.S.C. §102(b) as being anticipated by Pannu (U.S. Patent No. 4,542,541), Figure 3. In view of the amendments herein, applicant respectfully traverses these rejections.

By the amendments to claim 1 herein, claims 1, 2, 5 and 7 are now all limited to embodiments wherein "the pincer gap [has] a substantially uniform width and [is] sized for pinching a small surface segment of iris tissue into the pincer gap for detachably attaching the intraocular lens to an iris anterior surface." Thus, each of the rejected claims is now limited to intraocular lenses constructed specifically for being attached directly to a patient's iris by operation of the fixation member loop pincer gap that pinches (i.e., traps) a small surface segment of iris tissue. In contrast, the cited Pannu reference discloses merely a "conventional," non-iris fixated, intraocular lens having attachment loops, the free ends of which are intended for being received in the annular chamber angle. Nowhere does Pannu disclose or suggest that his intraocular lens is designed for or could be used as an iris fixated lens which requires that the lens being directly attached to an iris anterior surface. Although Pannu discloses in his Figures 1, 2, 4 and 5 that which appears to be small spaces between the free ends of his curved fixation members, he states (column 3, lines 28-33), that it is more economical to form fixation loops with these ends spaces, and that the end spaces do not effect the ability of the lens to be snag resistant.

Moreover, in his Figure 3, Pannu discloses a double pronged fixation member free end region with an open space between the two right angle prong ends. This open space does not have a substantially uniform width. In fact, Pannu states (column 3, lines 34-36) that it is important to him to cover all forms of snag-resistant lenses to adapt to manufacturing needs.

Pannu nowhere discloses any purpose, except relating to manufacturing processes, for the spaces at the ends of its attachment strands. He certainly neither discloses, teaches or infers that the spaces at the ends of his attachment strands could be useful for the attachment of the related intraocular lens to any part of the eye. Indeed, Pannu's entire disclosure relates to providing snag-resistant intraocular lens haptics.

On the basis of the foregoing, applicant asserts that Pannu neither anticipates nor makes obvious applicant's claims 1, 2, 5 and 7 as amended herein, and, accordingly, submits that his claims 1, 2, 5 and 7 are patentable over Pannu. Applicant therefore requests that the rejection of claims 1, 2, 5 and 7 because of Pannu be withdrawn.

The examiner has also rejected claims 1, 2, 5 and 7-10 under 35 U.S.C. §102(e) as being anticipated by Cumming (U.S. Patent No. 6,197,059), Figure 46. In view of the amendments herein, applicant respectfully traverses these rejections.

As noted above, by the amendments to claim 1 herein, claims 1, 2, 5 and 7-10 are now all limited to embodiments wherein "the pincer gap [has] a substantially uniform width and [is] sized for pinching a small surface segment of iris tissue into the pincer gap for detachably attaching the intraocular lens to an iris anterior surface." Thus, each of the rejected claims is now limited to intraocular lenses constructed specifically for being attached directly to a patient's iris by operation of the fixation member loop pincer gap that pinches (i.e., traps) a small surface segment of iris tissue. In contrast, the cited Pannu reference discloses merely a "conventional," non-iris fixated, intraocular lens having attachment loops, the free ends of which are intended for being received in the annular chamber angle. Nowhere does Cumming disclose or suggest that his intraocular lens is designed for or could be used as an iris fixated lens which requires that the lens be directly attached to an iris anterior surface. Although

Cumming discloses in his Figure 46 that which appears to be a small space between the free ends of the inwardly curved members, he does not suggest any reason for this small space. More specifically, Cumming never suggests in any way that the small space can be used to pinch a small surface segment of iris tissue so that the lens can be detachably attached to an iris anterior surface.

That which is shown in Figure 46 of Cumming is merely an alternative design to the designs illustrated in Cumming Figures 43, 44 and 45. All of these designs, according to Cumming, are directed to a particular intraocular lens useful in the treatment of a ruptured anterior capsular remnant or rim (see Cumming, column 21, line 64 et seq.) According to Cumming, the purpose of the filament-like members 802 in Figure 46 is merely to provide "springs" at opposite ends of the lens which impinge upon the capsular bag to anchor the lens within the eye. As explained by Cumming in the paragraph beginning in column 22, line 20, the overall length of the lens, including the "springs" at opposite ends of the lens, is slightly longer than the inner diameter of the capsular bag. Thus, the insertion of the lens into the capsular bag requires the slight bending of the "springs" to enter the lens within the capsular bag.

Thus, the apparent slight gap between the two ends of the "springs" in the embodiment illustrated in Figure 46 of Cumming have no apparent purpose whatsoever, and certainly have no purpose regarding the attachment of the lens to the eye.

On the basis of the foregoing, applicant asserts that Cumming neither anticipates nor makes obvious applicant's claims 1, 2, 5 and 7-10 as amended herein and, accordingly, submits that his claims 1, 2, 5, 7, 9 and 10 are patentable over Cumming. Applicant therefore requests that the rejection of claims 1, 2, 5 and 7-10 because of Cumming be withdrawn.

The examiner has also rejected claims 8-10, 14 and 15 under 35 U.S.C. §102(e) as being anticipated by Tran et al. (U.S. Patent No. 6,395,028), Figures 1-3. In view of the amendments herein, applicant respectfully traverses these rejections.

By the amendments herein, claims 14 and 15 have been amended to eliminate the limitation that the distances x and y must be between about 1.0 millimeter and about 1.7 millimeter. Accordingly, claims 14 and 15 are now wholly supported by Figures 19-21 and 22A-22D of the parent application, whose filing date is earlier than that of Tran et al. Accordingly, the rejection of claims 14 and 15 under 35 U.S.C. § 102(e) should be withdrawn.

Claims 8-10 have been amended to depend from new claim 22. New claim 22 is identical to originally-filed claim 14, except for the additional limitation that a void area is defined adjacent to both sides of the pincer gap sufficient for manipulation of an enclavation needle in a combination installation instrument comprising an enclavation needle and a forceps to insert a small surface segment of iris tissue into the pincer gap for detachably attaching the intraocular lens to an iris anterior surface. This limitation is fully supported by the originally-filed application, especially in Figures 19-21 and 22A-22D and those portions of the specification describing that which is illustrated in those figures. As so limited, claims 21 and 8-10 are patentable over Tran et al. because Tran et al. does not describe or fairly suggest such void areas. Both void areas in the embodiment illustrated in Tran et al. are insufficient in size to allow the manipulation of an enclavation needle to insert a small surface segment of iris tissue into the pincer gap. This is especially and most clearly true of the narrow slit defined in the lens of Tran et al. on one side of the pincer gap. Since Tran et al. does not disclose or fairly suggest a lens having a pincer gap with dual void areas on opposite sides of the pincer gap, claims 22 and 8-10 are neither anticipated nor made obvious by Tran et al. Accordingly, the rejections of claims 8-10 under 35 U.S.C. § 102(e) in view of Tran et al. should be withdrawn and no similar rejection of claim 22 should be made.

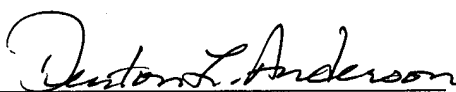
CONCLUSION

For the reasons set forth above, applicant respectfully submits that all of the claims remaining in the application are now in condition for allowance. Accordingly, reconsideration, reexamination and allowance of all claims is requested.

Respectfully submitted,

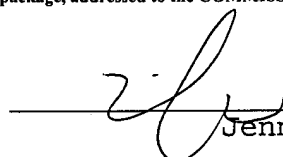
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Dated: November 24, 2003

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I hereby certify that on November 24, 2003, I deposited with the U.S. Postal Service
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